

1 DANIEL J. BRODERICK, Bar #89424
2 Federal Defender
3 DAVID M. PORTER, Bar #127024
Assistant Federal Defender
3 801 I Street, 3rd Floor
Sacramento, California 95814
4 Telephone: (916) 498-5700

5 Attorney for Defendant
RAYMOND LEE HILL
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) No. Cr. S 04-133 GEB
12 Plaintiff,) **STIPULATION AND [lodged] ORDER TO**
13 v.) **REDUCE SENTENCE PURSUANT TO 18**
14 RAYMOND LEE HILL,) **U.S.C. § 3582(c) (2)**
15 Defendant.) **RETROACTIVE CRACK COCAINE REDUCTION**
16 _____) **CASE**
17) Judge: Honorable Garland E.
18) Burrell, Jr.

17 Defendant, RAYMOND LEE HILL, by and through his attorney,
18 Assistant Federal Defender David M. Porter, and plaintiff, UNITED
19 STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
20 Jason Hitt, hereby stipulate as follows:

21 1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the
22 term of imprisonment in the case of a defendant who has been sentenced
23 to a term of imprisonment based on a sentencing range that has
24 subsequently been lowered by the Sentencing Commission pursuant to 28
25 U.S.C. § 994(o);

26 2. Mr. Hill was sentenced by this Court on October 29, 2004, to
27 a term of 188 months and 23 days imprisonment. His guideline range was
28 262 to 327 months, based on a total offense level of 35 and criminal

1 history category 5, and he received a 25% reduction from the low end of
2 the applicable guideline range on the government's motion;¹

3 3. On November 20, 2009, pursuant to the parties' stipulation
4 and retroactive amendment 706, which reduced Mr. Hill's base offense
5 level by 2 levels, this Court reduced Mr. Hill's sentence to 149 months
6 and 23 days, which was based on the new guideline range of 210 to 262
7 months, the prior computation of specific offense characteristics,
8 adjustments, criminal history category, and departures, and application
9 of the same 25% reduction he received at the initial sentencing;

10 3. The sentencing range applicable to Mr. Hill was subsequently
11 lowered by the United States Sentencing Commission by amendment made
12 retroactive on June 30, 2011;

13 4. Accordingly, Mr. Hill's adjusted offense level has been
14 reduced from 33 to 31, which at Criminal History Category 5 produces a
15 new applicable guideline range of 168 to 210 months. A new sentence
16 based on the resulting guideline range, the prior computation of
17 specific offense characteristics, adjustments, criminal history
18 category, and departures, and application of the same 25% reduction Mr.
19 Hill received at the initial sentencing and resentencing would result
20 in a sentence of 118 months, 23 days.

21 5. Mr. Hill was not sentenced at a congressionally mandated
22 minimum sentence, and he is therefore eligible for a reduction of his
23 sentence by retroactive application of Amendment 750 pursuant to 18
24 U.S.C. § 3582(c)(2) and policy statement U.S.S.G. § 1B1.10;

26 ¹ The government recommended a sentence of 196 months, and the
27 Court agreed to run the recommended sentence concurrent to his parole
28 revocation sentence in Sacramento County Superior Court Case No.
97F06441, with credit for 7 months and 7 days served on that sentence,
for a total term of 188 months and 23 days.

1 6. Accordingly, the parties respectfully request the court enter
2 the order lodged herewith resentencing Mr. Hill to a sentence of 118
3 months and 23 days to be served concurrent with the Parole Revocation
4 Term.

5 Dated: November 28, 2011

6 Respectfully submitted,

7 BENJAMIN B. WAGNER
United States Attorney

DANIEL J. BRODERICK
Federal Defender

9 _____
10 /s/ *Jason Hitt*
JASON HITT
Assistant U.S. Attorney
11
12 Attorney for Plaintiff
UNITED STATES OF AMERICA

/s/ *David M. Porter*
DAVID M. PORTER
Assistant Federal Defender
13
14 Attorney for Movant
RAYMOND LEE HILL

ORDER

14 On October 29, 2004, this Court sentenced Mr. Hill to a term of
15 imprisonment of 188 months and 23 days. On November 20, 2009, the
16 Court resentenced Mr. Hill to a term of imprisonment of 149 months and
17 23 days. The parties agree, and the Court finds, that Mr. Hill is
18 entitled to the benefit of the retroactive amendment reducing crack
19 cocaine penalties, which reduces his applicable offense level from 33
20 to 31.

21 IT IS HEREBY ORDERED that the term of imprisonment imposed on
22 November 20, 2009 is reduced to 118 months and 23 days to be served
23 concurrent with the Parole Revocation Term.

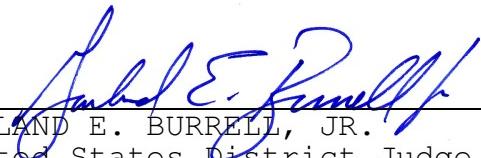
24 IT IS FURTHER ORDERED that all other terms and provisions of the
25 original judgment remain in effect.

26 Unless otherwise ordered, Mr. Hill shall report to the United
27 States Probation office closest to the release destination within

28 / / /

1 seventy-two hours after his release.

2 Dated: November 28, 2011

3 
4 GARLAND E. BURRELL, JR.
5 United States District Judge